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In re Application of :
LUNDSTRUM, Anders, et al. : DECISION
U.S. Application No.: 10/533,685 :
Int'l Application No.: PCT/SE01/01366 :
Int'l Filing Date: 15 June 2001 :
Priority Date: 19 June 2000 :
Attorney's Docket No.: None :
For: A METHOD AND AN APPARATUS :
FOR REDUCING SIGNALLING :
TRAFFIC IN A TELE- :
COMMUNICATIONS SYSTEM :
:

This decision is issued in response to applicants' alternative petition for revival under 37 CFR 1.137(b) filed on 16 June 2004 in U.S. Application No. 10/315,251 as part of applicants' "Request/Petition Concerning National Stage Status And Priority Claim." Deposit Account No. 14-1140 will be charged the required petition fee.

BACKGROUND

The background of this application is set forth in the concurrently mailed decision in U.S. Application No. 10/315,251. In that decision, applicants' petition to have U.S. Application No. 10/315,251 treated as the national stage of PCT/SE01/01366 was dismissed. Applicants' submission included the alternative request that the petition be treated as a petition for revival of the international application and creation of a national stage application file. This alternative petition is treated herein.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Regarding item (1), the "required reply," section 711.03(c) of the Manual of Patent Examining Procedures states that:

[g]enerally, the required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.

Here, the International Bureau had previously communicated a copy of the international application to the USPTO. The "required reply" was therefore payment of the basic national fee. The present petition includes the authorization to charge Deposit Account No. 14-1140 for required fees. Based on this authorization, Deposit Account No. 14-1140 will be charged the required basic national fee. Accordingly, applicants have submitted the "required reply." Item (1) is satisfied.

Item (2) is the petition fee required under 37 CFR 1.17. Based on applicants' authorization, Deposit Account No. 14-1140 will be charged the required petition fee. Item (2) is satisfied.

As for item (3), the petition states the following:

The entire delay from the filing the [sic] required reply (e.g., the filing date of the national stage application, which Applicants do believe to have been timely filed) until the filing of a grantable petition was unintentional. The undersigned and applicants have believed and continue to believe that the national stage application was timely filed, as reflected by consistent efforts for correction, and (while perhaps mistaken as to the cause of the confusion) have not engaged in any intentional delay.

This statement is construed as being the statement required by 37 CFR 1.137(b)(3), that is, a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional." Applicants **must** notify this Office if this is **not** a correct interpretation of this statement. Based on this interpretation of the statement contained in the petition, item (3) is satisfied.

Under the terms of 37 CFR 1.137(c), the terminal disclaimer listed as item (4) above is not required for this application. Applicants have therefore satisfied all the requirements for a grantable petition under 37 CFR 1.137(b).

CONCLUSION

Applicants' petition for revival is **GRANTED**.

The present application has been created as the national stage under 35 U.S.C. 371 of international application PCT/SE01/01366.

Deposit Account No. 14-1140 has been charged the required petition fee and basic national fee.

It is noted that the materials filed in ongoing U.S. Application No. 10/315,251 (i.e., the Preliminary Amendment, the declaration, etc.) are **not** treated as having been filed in the present application. If applicants want such materials considered herein, they must be filed again in the present application.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision, including mailing of a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.



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